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PAAUZYUW RUEKJCS3251 3251426-UUUU--RHEFLGX.

ZNR UUUUU

**HEADER**

P 211426Z NOV 05

FM JOINT STAFF WASHINGTON DC

INFO RHEFLGX/SAFE

P 211431Z NOV 05

FM AMCONSUL STRASBOURG

TO RUEHC/SECSTATE WASHDC

INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

RUEAWJB/DEPARTMENT OF JUSTICE

RUEHFR/AMEMBASSY PARIS

BT

**CONTROLS**

UNCLAS STRASBOURG 0145

SENSITIVE

STATE FOR EUR/ERA, EUR/WE

E.O. 12958: N/A

**BODY**

TAGS: PHUM, PREL, COE

SUBJECT: COUNCIL OF EUROPE COMMITTEE OF MINISTERS ADDRESSES

**SECRET DETENTION** CENTERS, CHANGING ROLE OF ITS ORGANIZATION

REF: STRASBOURG 0143

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1. (SBU) SUMMARY. DURING ITS NOVEMBER 16-17 SESSION IN STRASBOURG, THE COUNCIL OF EUROPE COMMITTEE OF MINISTERS (COE/COM) TREAD LIGHTLY ON THE CHARGES OF **SECRET CIA DETENTION** CENTERS, PUSHED FOR REFORM OF THE EUROPEAN COURT OF HUMAN RIGHTS, AND ADDRESSED THE CHANGING ROLE OF THE COUNCIL. THE TWICE-YEARLY MEETING OF THE 46 FOREIGN MINISTERS SAW PARTICIPATION FROM PERHAPS ONE THIRD AT THE MINISTERIAL LEVEL WITH LOWER-RANKING REPRESENTATIVES FILLING THE OTHER SLOTS. ROMANIA TOOK OVER FROM PORTUGAL THE CHAIRMANSHIP OF THE COM. THE NEXT COM SESSION WILL TAKE MAY 18-19, 2006. STRASBOURG CG SERVED AS US OBSERVER. END SUMMARY.

2. (SBU) IN HIS OPENING ADDRESS, COE PARLIAMENTARY ASSEMBLY PRESIDENT RENE VAN DER LINDEN REFERENCED RECENT ALLEGATIONS OF CIA RESPONSIBILITY FOR **SECRET DETENTION** CENTERS, NOTING THAT "ALL MEMBER STATES SHOULD COOPERATE FULLY WITH [THE ASSEMBLY RAPPOREUR'S] INVESTIGATION." THE PACE PRESIDENT SAID THAT THE ISSUE "GOES TO THE VERY HEART OF THE COUNCIL OF EUROPE'S HUMAN RIGHTS MANDATE." THE COE

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HAS ASKED THE LEGAL AFFAIRS COMMITTEE TO LAUNCH AN INQUIRY "WITH A VIEW TO A POSSIBLE URGENT DEBATE" AND TO VISIT CERTAIN MEMBER STATES IF NECESSARY.

3. (SBU) CALLS TO REFORM THE EUROPEAN COURT OF HUMAN RIGHTS, A RESPECTED COMPONENT OF THE COE, CONTINUE. DELEGATES VOICED STRONG SUPPORT FOR PROTOCOL 14, A PROPOSED ADDITION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, THE LEGAL BASIS OF THE COURTS MANDATE. PROTOCOL 14 WOULD GIVE INDIVIDUAL JUDGES MORE POWER IN DECIDING CASE ADMISSIBILITY, STREAMLINING THE BUREAUCRATIC PROCESS OF SELECTING CASES. THE COURT CURRENTLY IS BOGGED DOWN WITH A BACKLOG OF SOME 6000 CASES, PROMPTING SOME COUNTRIES TO QUESTION THE MANNER IN WHICH THE COURT IS USED. SEVERAL DELEGATES CAUTIONED THAT PLAINTIFFS USE THE COURT IN ORDER TO CIRCUMVENT NATIONAL JUDICIAL SYSTEMS WITH THE HOPE OF RECEIVING A MORE FAVORABLE OUTCOME.

4. (SBU) A MAJORITY OF COM REPRESENTATIVES SPOKE IN FAVOR OF CREATION OF THE PROPOSED EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS, WHICH WOULD ADVISE EU INSTITUTIONS AND EU MEMBER STATES "ON HOW BEST TO IMPLEMENT FUNDAMENTAL RIGHTS-RELATED EUROPEAN UNION LEGISLATION." HOWEVER, THERE IS AN OUTSPOKEN MINORITY WITHIN THE COE, AMONG THEM PACE PRESIDENT VAN DER LINDEN, WHO FEAR THAT THE NEW AGENCY MAY UNDERMINE THE COES AUTHORITY OR DUPLICATE ITS EFFORT. VAN DE LINDEN SAID "THE PROPOSED EU AGENCY FOR FUNDAMENTAL RIGHTS Q MUST HAVE A CLEARLY DEFINED MANDATE. ITQ MUST BE LIMITED TO THE TERRITORY OF THE EU, WHERE IT WOULD ACT LIKE A NATIONAL HUMAN RIGHTS INSTITUTION. THE AGENCY SHOULD NOT MONITOR HUMAN RIGHTS IN COUNCIL OF EUROPE MEMBER STATES THAT ARE NOT MEMBERS OF THE EU."

5. (SBU) MANY DELEGATES NOTED THAT THE COE, OVERSHADOWED BY THE BETTER-FINANCED AND HIGHER-PROFILE EU, SHOULD REFOCUS ITS ENERGIES ON THE AREAS WHERE IT COMMANDS THE MOST RESPECT: HUMAN RIGHTS AND DEMOCRACY BUILDING. VAN DER LINDEN SUPPORTS THE TRADITIONAL (AND MORE DIVERSIFIED) ROLE OF THE COE. THE PARLIAMENTARY ASSEMBLY PRESIDENT, WHO REGULARLY CHIDES MEMBER COUNTRIES FOR FAILING TO SEND HIGH-RANKING REPRESENTATIVES, DREW A REBUKE FROM THE DELEGATE OF LUXEMBOURG AND OTHERS. THEY REMINDED VAN DER LINDEN THAT THOSE ATTENDING THE MEETING CERTAINLY WERE COMPETENT TO CARRY ON BUSINESS IN THE ABSENCE OF THEIR FOREIGN MINISTERS. THE TAKEOVER OF ROMANIA'S FOREIGN AFFAIRS MINISTER MIHAI-RAZVAN UNGUREANU FROM PORTUGALS DIOGO FREITAS DO AMARAL AS CHAIRMAN OF THE COUNCIL OF EUROPE COMMITTEE OF MINISTERS MAY BE A POSITIVE MOVE TOWARDS INCREASED COOPERATION BETWEEN THE COE AND THE EU.

6. (SBU) COMMENT: THE COE CONTINUES TO WORK TO JUSTIFY ITS EXISTENCE AND ITS 230 MILLION EURO BUDGET. ITS CONCERN WITH THAT EXISTENCE

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MAY, IN PART, FUEL THE DRIVE TO INVESTIGATE THE ALLEGED **SECRET**  
**DETENTION** CENTERS. ONE OF THE POLITICAL AFFAIRS DIRECTORS TOLD  
STRASBOURG CG THAT THERE IS A DECIDED SPLIT WITHIN THE COE ON HOW TO  
MOVE FORWARD WITH THE INQUIRY. END COMMENT.

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